



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Martinez Business Center
File: B-224167
Date: September 25, 1986

DIGEST

1. In view of broad discretion afforded Small Business Administration and contracting agency in selecting contractors under section 8(a) program, there is no requirement that capabilities of other eligible firms be considered before one firm is selected for award.
2. Protest challenging award under section 8(a) program to firm whose eligibility under the program was to expire soon after award is dismissed, since there is no requirement that firm's eligibility extend through the entire period of contract performance.

DECISION

Martinez Business Center protests the decision by the General Services Administration (GSA) to award a contract for type-writer repair services to another firm pursuant to section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1982). We dismiss the protest.

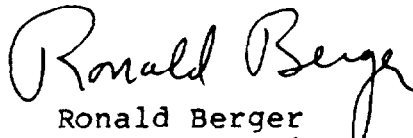
Under section 8(a) of the Small Business Act, the Small Business Administration (SBA) is authorized to enter into contracts with any government agency with procuring authority and to arrange the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. 15 U.S.C. § 637(a); 13 C.F.R. part 124 (1986). We have recognized that section 8(a) authorizes a contracting approach that in general is not subject to the competitive and procedural requirements of the procurement regulations and the statutory provisions they implement. Harris Corp., RF Communications Division, B-220387, Nov. 14, 1985, 85-2 CPD ¶ 556. We therefore review section 8(a) contract awards only where the protester demonstrates the possibility of fraud or bad faith on the part of government officials or that applicable regulations may have been

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violated. Bid Protest Regulations, 4 C.F.R. § 21.3(f)(4) (1986); Cassidy Cleaning, Inc., B-218641, June 24, 1985, 85-1 CPD ¶ 717.

Here, the protester contends that GSA improperly attempted to expedite the procurement so that a contract would be awarded before the awardee's eligibility to participate in the section 8(a) program ended on September 19, 1986. The protester argues that GSA instead should have issued a competitive solicitation for the services. We find these arguments to be without merit. In view of the broad discretion afforded SBA and the contracting agency in carrying out the section 8(a) program, there is no requirement that other firms be considered before one firm is selected for award under the program. See SES Development Corp., B-222153, Apr. 28, 1986, 86-1 CPD ¶ 412. Further, award under the section 8(a) program is proper as long as the awardee is eligible to participate in the program at the time award is made; we know of no requirement that an awardee's eligibility extend through the entire period of contract performance. See Gallegos Research Group, B-209992, Apr. 11, 1983, 83-1 CPD ¶ 376.

The protest is dismissed.


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